



Australian Government  
Department of Social Services

# Productivity Commission Review into National Disability Agreement

Department of Social Services  
Submission to the Productivity Commission  
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The Department of Social Services (the Department) welcomes the opportunity to comment on the Productivity Commission's Issues Paper, *National Disability Agreement Review* released on 24 July 2018.

In Australia people with disability still experience poor outcomes across a range of social indicators. The introduction of the National Disability Insurance Scheme (NDIS) is a significant accomplishment for Australia, enabling people with disability, their families and carers to plan for the future and exercise choice and control over their lives. It has changed the disability landscape and represents a significant shift in the delivery of specialist disability services.

The National Disability Agreement (NDA) has historically played an important role in establishing a framework for accountability and collaboration by Commonwealth, state and territory governments for the achievement of outcomes in the disability services sector to improve the wellbeing of Australians with disability. The Department supports the need for careful consideration of the future of the NDA in light of the changing disability policy environment.

## Scope

A leading question raised in the Productivity Commission's Issues Paper is the scope of a future NDA. The paper notes the NDA covers all people with disability in Australia, about 4.3 million people, however focuses only on specialist disability services. Around 460,000 people with a significant and permanent disability are expected to access the NDIS by July 2020<sup>1</sup>.

In the post-NDIS era, there is a role for a form of Agreement or mechanism between jurisdictions; for a broad set of mainstream priority outcomes for all people with disability as well as recognising the NDIS.

The *National Disability Strategy 2010-20* (the Strategy) expires in 2020. The Department has commenced work to develop a new national disability framework for beyond 2020 that reflects a changed disability landscape with a fully implemented NDIS. The Department does not wish to presuppose the outcomes of consultations on the new framework or the findings of the NDA review, however these findings will be vital for informing the design of a new framework for beyond 2020.

The Strategy does not define responsibilities of the Commonwealth, state and territory governments in relation to Strategy goals and actions and lacks strength in enforcing accountability. The NDA's strength was its articulation of the roles and responsibilities of the Commonwealth, state and territory governments for disability services. There is an opportunity to build this breadth and strength into the design of a new framework by combining or aligning the NDA and the Strategy.

Combining the NDA and Strategy would reduce duplication, allow for a unified set of policy objectives and identification of strong outcomes and outputs combined with a clear performance framework. It would also enable a clear articulation of roles and responsibilities for supporting people with disability accessing mainstream and specialist disability services.

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<sup>1</sup> COAG Disability Reform Council Quarterly Report, 30 June 2018

As the NDIS rolls out to full scheme, all tiers of government have committed to reinvigoration efforts of the Strategy to resolve issues at the interface between the NDIS and mainstream service systems to ensure smooth transitions and continuity of support, particularly on outstanding policy issues within the health, mental health, criminal justice, child protection and family support systems.

If there is a reformed NDA, it must avoid duplication by acknowledging existing arrangements, such as bilateral NDIS agreements, the COAG *Principles to Determine the Responsibilities of the NDIS and other Service Systems*, and disability policy documents agreed by jurisdictions.

## Roles and responsibilities

The Issues Paper acknowledges Commonwealth, state and territory government roles and responsibilities have changed over time and that guidance for governance arrangements between Commonwealth, state and territory governments are outdated.

Any new or reformed Agreement should recognise and support a social model of disability that recognises that attitudes, practices and structures can prevent people from enjoying economic participation, social inclusion and equality. Funding arrangements and policies should align to enable greater mainstream participation by people with disability, beyond the individualised NDIS funding model. This should include measures to include the voice of people with disability in the development of policies, programs and supports. A reformed NDA could play an important role in clarifying jurisdictional responsibility for funding and delivering policies and programs that support all people with disability, regardless of their eligibility for the NDIS. It would ensure the Commonwealth, states and territories develop and implement policies, regulations, programs and actions to enable all people with disability to fulfil their potential as equal citizens.

In its review of NDIS costs (2017), the Productivity Commission identified a lack of clarity in the roles and responsibilities related to market stewardship, workforce development, funding of advocacy services, continuity of support for non-NDIS participants and the interface with mainstream services. This lack of clarity is a contributing factor to poor service delivery outcomes, especially for people with disability not in the NDIS.

Any new or reformed Agreement should also recognise and outline the roles of the Commonwealth and state and territory governments in developing the interfaces between the NDIS and other mainstream services. This would ensure that service pathways are well designed, and facilitate effective support for people with disability who are accessing the education, health, justice, transport and accommodation systems.

## Performance Reporting and Data

A new architecture would require a new performance framework with performance indicators and benchmarks aligned with the outcomes and actions of a national framework for beyond 2020, and disaggregated for NDIS and non-NDIS participants.

Performance reporting in the NDIS is provided for in the bilateral agreements between the Commonwealth and states and territories for transition and full scheme.

It is expected future reporting will include performance reports by the National Disability Insurance Agency (NDIA) as well as the NDIS Quality and Safeguards Commission and agreed NDIS market performance indicators. If additional performance reporting is required under a renewed NDA, references to NDIS performance should refer to the performance framework being developed.

The Department notes the objectives, outcomes and outputs of the NDA in relation to carers remain relevant. There is an opportunity to review the NDA performance framework, including performance indicators, to better align with the introduction of the Integrated Carer Support Service from September 2019, particularly in relation to a stronger focus on measuring outcomes and benefits of services and supports for carers.

With respect to data capture to inform performance reporting under a renewed NDA, new or changed datasets will need to be considered. For example, the Disability Services National Minimum Data Set (DS NMDS) is limited to those services delivered under the NDA – that is, specialist disability services. Due to the majority of service users transitioning from the NDA to the NDIS, the DS NMDS is a time-limited dataset and will have limited functionality for informing future performance reporting.

The Department is currently working with the Australian Institute of Health and Welfare to identify data gaps on how people with disability access mainstream services and associated outcomes and inform how disability data and reporting can be strengthened in the future, particularly in the context of developing a future national disability framework.